

*Application granted,
on consent. Plaintiff's
Law Offices of expert disclosure
Bruce Levinson, Esq. shall be served
747 Third Avenue, New York, New York 10017-2803 by 10/15/09;
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E-mail: b.levinson@verizon.net*

Bruce Levinson

Gregory Brown

September 14, 2009

VIA ECF

Hon. Roanne L. Mann
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **David E. White Company, Inc. v. AAAP USA Corporation**
Case No. 08-cv-827 (FB) (RLM)

Honorable Madam:

By endorsed order dated July 10, 2009, your Honor set a September 18, 2009 deadline for the service of plaintiff's expert disclosure. However, in speaking with our expert, it came to plaintiff's attention that additional documents related to the cold-treatment of the produce which forms the basis of this action are critical. We tried to obtain these documents through defendant and third-party defendant, as well as informal means, but were unsuccessful. Therefore, on September 8, 2009, our office prepared and delivered to our process server for service on non-party Freight Brokers Global Services Inc. a subpoena duces tecum. Although we are hopeful that we will receive a response to this subpoena in a timely fashion, we will be unable to meet the deadline for expert disclosure. Therefore, in light of the foregoing, plaintiffs request an extension of time until October 15, 2009 in the hope that Freight Brokers Global Services Inc. will timely reply to our demand and allow our expert sufficient time to review the thousands of pages we believe will be included in the response.

I have spoken with the attorneys for third-party defendant Lucca Freezer and Cold Storage, Inc., and they have consented to the adjournment on the condition that the deadline for their expert disclosure be extended to December 18, 2009. We have no objection to their request. I have also attempted to reach the attorney for defendant AAAP USA Corp., but have received no response to my phone calls and emails.

This is plaintiff's second request for an extension of time for this deadline, the first request being granted as set forth above.

*depositions shall be
complexed by 2/26/10.
The 3/5/10 settlement conference
will go forward as previously
scheduled.*

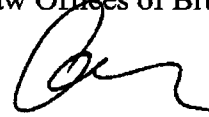
SO ORDERED
/s/ Roanne L. Mann
U.S. Magistrate Judge
Dated: 9/15/09

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September 14, 2009
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Thank you for your attention to this matter.

Respectfully yours,
Law Offices of Bruce Levinson

By:



Gregory Brown

cc.: Richard E Schrier, Esq. (via ECF)
David A. Group, Esq. (via ECF)
Trinity Fruit Sales Co.
Jason Read, Esq.